

MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING

Report Author: Advocacy & Government Relationship Advisor

Responsible Officer: Chief Executive Officer

Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The Municipal Association of Victoria (MAV) will be holding its State Council Meeting on Friday 14 October 2022. State Council is the MAV's governing body and comprises representatives from each member council, with one of its roles being to determine the strategic direction for the MAV.

Member councils are invited to put forward motions for consideration at the State Council Meeting in accordance with the criteria set by the MAV.

Council is asked to endorse the motions it wishes to be submitted for consideration.

RECOMMENDATION

That Council endorse the following motions to be submitted for consideration at the MAV State Council Meeting on 14 October 2022:

- 1. That the MAV advocate to the Department of Justice and Community Safety to make an amendment to the Residential Tenancies Act 1997, to:***
 - (a) update or expand the purpose of the Act to provide for the establishment of a short stay accommodation or short stay rental register***
 - (b) expand and further define a residential rental agreement to include short stay accommodation.***
- 2. That the Victorian Government commit to partnering in the support of Councils through a staged 5-year framework for recovery from major disasters, in accordance with known recovery timeframes, to account for extended mental health impacts and support short- and long-term recovery, resilience and community connectedness.***

- 3. That the MAV advocate for State and Federal funding agencies administering the Disaster Recovery Funding Arrangements (DRFA) to update the DRFA definitions and processes to allow for drainage to be reinstated to a standard that is resilient and able to withstand the modelled future impacts of climate change.**

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose and Background

MAV State Council meets twice a year, or more if needed, and is the MAV's governing body. It is made up of representatives from each member council and its powers include:

- determining the Rules of the Association;
- electing the president and other members of the Board;
- determining the strategic direction; and
- appointing the auditor.

When submitting a motion, Council is required to identify whether the motion is supported by a council resolution and whether the subject matter of the motion:

- has state-wide significance to the sector;
- relates to one of the sector's priority issues in the MAV's Strategic Plan; and
- not be identical or substantially similar to a motion submitted to State Council at any of the previous four State Council meetings

The MAV Strategy 2021-25 identifies six strategic outcomes:

1. Economically sound councils;
2. Healthy, diverse and thriving communities;
3. Well-planned, connected and resilient built environment;
4. Changing climate and a circular economy;
5. Sector capability and good governance; and
6. Effective and responsive MAV

As decisions of State Council constitute policy directions of the MAV and remain active until the issue is resolved, motions should relate to either new, or variations to, existing policy directions.

The MAV are calling for councils to submit motions on matters by no later than midnight on Friday 14 October.

Options considered

Council has considered various issues that are impacting on the organisation that may be suitable for advocacy through MAV State Council, including issues related to recovery from the pandemic and storm events, and various barriers to Council achieving its Key Strategic Objectives.

Recommended option and justification

The motions presented to Council for endorsement have been identified and developed by Council officers, with support from ELT. Of the issues currently impacting Council, these issues are determined to be appropriately matched to the advocacy opportunity presented by State Council, in terms of both timing and MAV's submission criteria.

The rationale for each motion is set out below.

Short Stay Accommodation State-wide Registration System

Motion:	That the MAV advocate to Department of Justice and Community Safety to make an amendment to the Residential Tenancies Act 1997, to: <ul style="list-style-type: none">• update or expand the purpose of the Act to provide for the establishment of a short stay accommodation or short stay rental register• expand and further define a residential rental agreement to include short stay accommodation.
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<p>Rationale:</p>	<p><i>The Residential Tenancies Act 1997 (the Act)</i> considers minimum standards associated with rental properties, regardless of if they are rented for a short or long period of time.</p> <p><i>The Act</i> requires compliance with the Residential Tenancies Regulations 2021, which covers minimum standards under Schedule 4 requiring the general minimum safety standards for a house, including: urgent repairs, the amount of rent associated with a stay, requirements for gas and electricity safety, vermin proof bins, bathroom kitchen and laundry facilities that should be available, mould and dampness, structural soundness, lighting, windows, heating and ventilation. The Regulations also have existing provisions for infringements for non-compliances, outlined in Schedule 5.</p> <p>With Short Stay Accommodation (SSA) businesses currently being exempt from registration, it is extremely difficult for Council to:</p> <ul style="list-style-type: none"> • regulate and ensure community health and safety standards are being complied with; • understand how many properties are operating as SSA within the municipality; • monitor the impact on existing local communities and businesses; • advocate, inform and plan infrastructure work improvements and programs; • identify gaps within the Planning Scheme to ensure zoning requirements are being met; and • educate and regulate private water supplies and septic systems requirements and permits. <p>Some councils, including Mornington Peninsula Shire, have introduced their own registration systems through their Neighbourhood Amenity Local Law to manage adverse amenity and health issues generated from SSA properties and to further understand the impact on local residents.</p> <p>An amendment to <i>the Act</i> to establish a state-wide register of SSA, and to include SSA within in the definitions, would ensure consistent standards are being regulated across Victoria.</p>
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Disaster recovery support for councils

Motion:	That the Victorian Government commit to partnering in the support of Councils through a staged 5-year framework for recovery from major disasters, in accordance with known recovery timeframes, to account for extended mental health impacts and support short- and long-term recovery, resilience and community connectedness.
Rationale:	<p>Recent disaster events, including the June 2021 storm events, have highlighted again the significant and critical role that Councils play in responding to and recovering from emergency events, both within and beyond the legislated responsibilities outlined in the <i>Emergency Management Act 1986</i>.</p> <p>While there are mechanisms in place to allow Councils to be supported by the State and Commonwealth Governments to undertake this work, such as the Disaster Recovery Framework Arrangements, it is evident that this support can be inconsistent, uncertain, falls short of community and environmental needs, and/or is committed only periodically i.e., for one financial year at a time, which impacts long-term planning, staffing and program continuity.</p> <p>For example, more than one year on from the major storm event, Yarra Ranges Council faces a gap of approximately \$13 million in funding for key programs of works, with little certainty of any ongoing support for the remaining years of recovery (conservatively estimated to be another 3 years).</p> <p>The timeframe and scope of support referenced in this motion is consistent with the <i>10 Years Beyond Bushfires</i> report, developed by the University of Melbourne in partnership with the Victorian Government, Emergency Management Victorian, Australian Red Cross, Phoenix Australia and the Social Research Centre.</p> <p>The report recommended that governments establish “a staged 5-year framework for recovery from major disasters to account for extended mental health impacts and support short- and long-term recovery, resilience and community connectedness.”</p>

Expanded scope of DRFA infrastructure works

Motion:	That the MAV advocate for State and Federal funding agencies administering the Disaster Recovery Funding Arrangements (DRFA) to update the DRFA definitions and processes to allow for drainage to be reinstated to a standard that is resilient and able to withstand the modelled future impacts of climate change.
Rationale:	<p>Through climate change observation and modelling, the CSIRO are predicting that parts of Victoria will experience less rainfall overall in future years, however, when rainfall occurs it will increasingly be through heavier deluge type events.</p> <p>This change to rainfall patterns will likely cause increased levels of damage to assets such as Council-managed drainage systems. As such, it is critical that damaged infrastructure be reinstated to a standard that is designed to withstand these expected changes, to reduce the negative impacts of successive events on both Councils and communities.</p> <p>However, current DRFA guidelines only support the reconstruction of infrastructure to pre-existing standards, and do not allow for the upgrading of any infrastructure through a reconstruction program to a more resilient standard.</p> <p>To ensure that communities and councils can withstand the impacts of future disasters and extreme weather events, it is proposed that the DRFA definitions and processes be amended to allow for the upgrading of infrastructure (particularly drainage) through reconstruction programs.</p>

FINANCIAL ANALYSIS

There are no financial implications associated with submitting a Motion to the State Council.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan: Connected and Healthy Communities; Quality Infrastructure and Liveable Places; Protected and Enhanced Natural Environment; Vibrant Economy, Agriculture and Tourism; High Performing Organisation.

RELEVANT LAW

Not applicable.

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are no direct economic impacts arising from the recommendations in this report.

Social Implications

There are no direct social impacts arising from the recommendations in this report.

Environmental Implications

There are no direct environmental impacts arising from the recommendations in this report.

COMMUNITY ENGAGEMENT

As the submission of motions to State Council is operational in nature and presents to change to Council's strategic direction, community engagement was not undertaken on this matter.

An internal process has been undertaken with Officers and Councillors to identify potential motion for submission that support Council's existing strategies, which have been developed through community consultation and deliberative engagement processes.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought in developing the motions for submission. Council will engage with other Councils through the State Council process to seek endorsement of motions submitted by Yarra Ranges Council, and to consider and debate motions submitted by other Councils.

RISK ASSESSMENT

There are no significant environmental, social or economic risks arising from the recommendations in this report.

Given the complex nature of short stay accommodation (SSA) and the differing ways in which it affects Councils across Victoria, the motion pertaining to SSA may be contentious among MAV members. This presents a minimal risk to Council's

relationships with other MAV members. To mitigate this risk, Council officers have prepared this motion with a focus on a state-wide registration tool that would assist the management of SSA – an approach that balances the need for SSA to boost local economic outcomes in some LGAs, whilst managing the negative impacts on housing affordability and community connectivity in others. Council delegates will be briefed with talking points to support debate and discussion at the MAV State Council meeting.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

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